

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMERICAN EMPIRE SURPLUS LINES  
INS. CO.,

Plaintiff,

- against -

SCHAEFER ENTERPRISES, INC.,

Defendant.

**ORDER**

23 Civ. 436 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

As discussed during today's conference, any amended complaint will be filed by May 8, 2023. If no amended complaint is filed, Defendant may proceed with its motion to dismiss. The briefing schedule will be as follows: Moving papers due on May 22, 2023, Plaintiff's opposition due on June 12, 2023, and any reply due on June 20, 2023. If an amended complaint is filed, Defendant will submit a letter by May 15, 2023, stating whether it wishes to proceed with a motion to dismiss and, if so, proposing a briefing schedule that has been discussed with Plaintiff's counsel.

Dated: New York, New York  
April 28, 2023

SO ORDERED.



Paul G. Gardephe  
United States District Judge